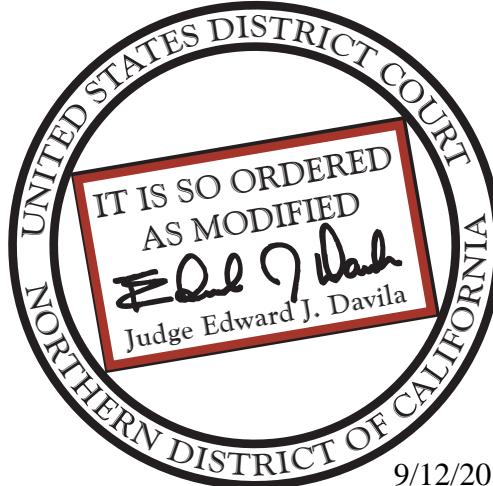


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9/12/2011

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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA, ) No. 731/et/22269 EJD  
14 Plaintiff, ) STIPULATION AND [PROPOSED]  
15 v. ) ORDER CONTINUING HEARING TO  
16 OSCAR GUZMAN-ROJAS, ) October 26, 2011 AND EXCLUDING  
17 Defendant. ) TIME FROM September 19, 2011, TO  
18 ) October 26, 2011 FROM THE SPEEDY  
TRIAL ACT CALCULATION

19 The Parties, Manuel Araujo and the United States, acting through respective counsel,  
20 hereby stipulate, subject to the Court's approval, that the hearing currently set for September 19,  
21 2011 at 1:30 pm be vacated, and that the hearing be re-set for October 26, 2011 at 1:30 pm. The  
22 parties are requesting the continuance of the hearing due to the need for additional time for  
23 effective preparation, the need to jointly negotiate a resolution in this matter, for the continuity of  
24 counsel, and in light of the fact that this case has been recently re-assigned to Carolyne A. Sanin.

25 The parties stipulate that the time between September 19, 2011 and October 26, 2011, is  
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the  
27 requested continuance would unreasonably deny defense counsel reasonable time necessary for  
28 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree  
that the ends of justice served by granting the requested continuance outweigh the best interest of

1 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
2 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

3 DATED: September 8, 2011

4 MELINDA HAAG  
5 United States Attorney

6 /s/  
7 Carolyne A. Sanin  
8 Special Assistant United States Attorney

9 /s/  
10 MANUEL ARAUJO  
11 Attorney for Defendant

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## **[PROPOSED] ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for September 19, 2011 at 1:30pm is vacated, and the matter is continued to October 46, 2011 at 3:30pm. Further, the Court ORDERS that the time between September 19, 2011 and October 46, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: September 12, 2011

Edna J. Dark

EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE